

Message Text

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TO AMEMBASSY TOKYO IMMEDIATE

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SUBJECT: UN COMMITTEE ON PROGRAM AND COORDINATION (CPC)

CONSIDERATION OF NARCOTICS - ITEM 4

1. USUN REPORTS THAT JAPANESE DELEGATION TO UN CPC IS SOLE DELEGATION PLANNING TO SPEAK IN FAVOR OF MERGING UN DIVISION OF NARCOTIC DRUGS (DND) WITH SECRETARIAT OF INTERNATIONAL NARCOTICS CONTROL BOARD (INCB). EMBASSY IS REQUESTED TO ASK GOJ AT HIGHEST POSSIBLE APPROPRIATE LEVEL TO INSTRUCT ITS DELEGATION TO CPC NOT TO SPEAK IN FAVOR OF MERGER. THIS ISSUE COULD COME BEFORE CPC AS EARLY AS MAY 20.

2. EMBASSY MAY DRAW ON FOLLOWING POINTS IN DISCUSSION WITH GOJ OFFICIALS:

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A. WHILE SINGLE ORGANIZATIONAL UNIT FOR NARCOTICS CONTROL

MIGHT HAVE FINANCIAL AND MANAGEMENT ADVANTAGES, US POSITION IS THAT MERGER OF DND AND INCB STAFF IS NOT SIMPLY ADMINISTRATIVE MATTER BUT RATHER SUBSTANTIVE LEGAL AND POLITICAL ISSUE, AND THAT THEREFORE THE PRESENT SEPARATE IDENTITIES OF INCB STAFF AND DND SHOULD BE MAINTAINED. JAPAN, AS PARTY TO BOTH 1961 SINGLE CONVENTION AND ITS 1972 AMENDING PROTOCOL, SHOULD REALIZE THIS.

B. DND IS PART OF UN SECRETARIAT; INCB WAS ESTABLISHED BY SINGLE CONVENTION ON NARCOTIC DRUGS TO MONITOR IMPLEMENTATION OF DRUG TREATY PROVISIONS. INCB RESPONSIBILITIES ARE TREATY-MANDATED, AND DEMAND THAT THE BOARD BE AN INDEPENDENT JUDGE. TO BE INDEPENDENT, INCB NEEDS A STAFF RESPONSIBLE ONLY TO IT. IF DND AND INCB STAFF WERE COMBINED, THAT PORTION OF THE UN SECRETARIAT SERVICING THE BOARD WOULD BE AT LEAST PARTIALLY RESPONSIBLE TO THE COMMISSION ON NARCOTIC DRUGS (CND), OF WHICH DND IS THE SECRETARIAT. THIS WOULD COMPROMISE INDEPENDENCE OF INCB.

C. MERGER WOULD FORCE THE TWO CLASSES OF FUNCTIONS TO COMPETE FOR SCARCE BUDGETARY RESOURCES WITHIN FRAMEWORK OF A SINGLE SECRETARIAT. INCB'S FUNCTIONS (AND THEREFORE RESPONSIBILITIES OF ITS SECRETARIAT) ARE DEFINED BY TREATY, AND CANNOT BE INDIRECTLY PARED THROUGH BUDGETARY PROCESS WITHOUT REFERENCE TO THE PARTIES TO RELEVANT DRUG CONTROL CONVENTIONS.

D. INCB SECRETARIAT HANDLES CONFIDENTIAL TREATY-RELATED INFORMATION PROVIDED BY GOVERNMENTS, INFORMATION WHICH MAY BE WITHHELD IF IT APPEARS THAT IT WOULD SEEP INTO REGULAR UN CHANNELS, AS WOULD BE THE CASE IF DND AND INCB STAFF WERE COMBINED. INCB'S QUASI-JUDICIAL FUNCTION WOULD THUS BE COMPROMISED AND DRUG TREATIES UNDERMINED.

E. BOARD MIGHT RECEIVE BIASED INFORMATION ON ILLICIT DRUG TRAFFIC FROM ITS SECRETARIAT IF THAT SECRETARIAT IS ALSO RESPONSIBLE FOR IMPLEMENTING PROGRAMS DESIGNED TO REDUCE ILLICIT TRAFFIC. DND PRESENTLY IMPLEMENTS UNFODAC-FUNDED PROGRAMS TO REDUCE ILLICIT TRAFFIC.

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F. ECOSOC HAS THREE TIMES ENDORSED CONCEPT OF SEPARATE SECRETARIATS: 1949, 1967 (RESOLUTION 1196 XLII), AND 1973 (RESOLUTION 1775 LIV).

G. 1972 CONFERENCE TO CONSIDER AMENDMENTS TO 1961 SINGLE CONVENTION ON NARCOTIC DRUGS PASSED RESOLUTION ENDORSING SEPARATE SECRETARIATS. AT THAT CONFERENCE, JAPAN DID NOT VOTE AGAINST THE RESOLUTION. FOURTH SPECIAL SESSION OF UN

CND (FEBRUARY 1976) PASSED RESOLUTION ENDORSING SEPARATE
SECRETARIATS. JAPAN ABSTAINED ON THIS RESOLUTION.

H. DR. SHIMOMURA, JAPANESE CANDIDATE FOR ELECTION TO
INCB, WAS RE-ELECTED TO BOARD BY 60TH ECOSOC.
DR. SHIMOMURA AND HIS COLLEAGUES ON INCB SHOULD HAVE THE
ADMINISTRATIVE SUPPORT THEY NEED TO DO THE JOB THEY WERE
ELECTED TO DO. ROBINSON

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